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Letter dated 29 August 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 5 June 2002 (S/2002/638).

The Counter-Terrorism Committee has received the attached supplementary report from Albania, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 21 August 2002 from the Permanent Mission of Albania to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Albania to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee, Jeremy Greenstock, and has the honour to forward the addendum to the report of the Albanian Government on the implementation of Security Council resolution 1373 (2001) on combating terrorism (see enclosure).

Enclosure

Addendum to the report of the Albanian Government on the implementation of Security Council resolution 1373 (2001) on combating terrorism

Subparagraph 1(a)

□ **Could Albania please indicate what legislative provisions and procedures exist for monitoring suspicious financial transactions apart from what is mentioned in the report? Are there any legal reporting obligations for financial institutions and other intermediaries (such as lawyers, notaries), that contribute to the prevention of economic and financial operations with terrorist or other criminal aims? What are the penalties attached to non-compliance with the legal obligations?**

For monitoring the suspicious transactions, the Albanian Parliament has enacted the Law no. 8610, dated 17.05.2000 "On Prevention of Money Laundering". The article 4 "The Procedures of Identification", article 5 "Reporting to the Responsible Authority", article 6 "The Obligations of the Entities", article 7 and article 8 "The Duties of the Responsible Authority" of this law provide monitoring of the suspicious transactions.

Other legal provisions on monitoring the suspicious financial transactions, in addition to those mentioned in the Report of the Albanian Government dated 27.12.2001, are included in the provisions of law no. 7764, dated 02.11.1993, "On the Foreign Investments".

The Parliament of the Republic of Albania, with the adoption of the Special Decision no. 7, on October 15, 2001, "Albania: Participant of the Large Alliance Against International Terrorism", concluded the institutional responsibilities in this direction.

The Council of Ministers on May 5, 2000, adopted the Decision no. 217, "On the Financial Supervision", which was amended with the Decision no. 354, date 07.07.2000.

The Government of the Republic of Albania, with the Decision no. 12, dated 28.01.2000 of the Councils of Ministers, adopted The National Plan of Action Against-Terrorism.

Furthermore, The Republic of Albania became party in the 1999 Convention for the Suppression of the Financing of Terrorism, ratified on the 14th of March 2002, with the law no. 8865, decreed on the 19th of March 2002 by the President of the Republic.

An overview of the provisions of law no. 8610, dated 17.05.2000 "On Prevention of Money Laundering".

Pursuant to Article 3

"Subjects": are the natural or legal persons provided for by the Civil Code of the Republic of Albania, which for the purpose of complying with this Law and other by-laws, perform the activities defined by this Law.

Such subjects are the following:

a) Banks and subjects licensed by the Bank of Albania which perform banking and financial activities;

b) Foreign exchange offices;

c) Stock exchange;

d) Investment funds;

e) Insurance companies and/or re-insurance and other legal agencies that exercise insurance activity and/or re-insurance, authorised by the Supervising Insurance Commission;

f) Institutions responsible for the privatization process;

g) Postal services and other intermediaries which perform payment services;

h) Gambling clubs or casinos;

i) Certified public accountants;

j) Every physical person and legal entity whose business is related to:

* Trading of transport means;

* Transport and forwarding (shipping) activities;

. Trading of precious and antique things;

* Evaluation of real estate;

* Administration of a third party property;

* Trading activity with the precious metals or stones;

* Travel agencies;

k) **Attorneys, notaries and representatives by power of attorney**;

l) Tax and customs authorities;

m) Affiliates, branches, agencies or representative offices of a foreign company in and out of the territory of the Republic of Albania;

n) Offices that evidence the conveyances or alienation of the property.

Pursuant to Article 4

All the subjects of this Law should identify the customers before making a transaction over the amounts defined in Article 5 of this Law.

The subjects should identify the customers even in cases when money laundering is pre-informed, obtained through criminal activity, even when the amount of the transaction is below the thresholds defined in Article 5 of this Law.

Pursuant to Article 5

The subjects of this Law shall record all customers' transactions in cash of amounts greater than 2.000.000 (two million) Lek or the counter value in foreign currencies.

After recording the transaction, in case rational suspicion for money laundering arises as defined under this law, the subject shall report to the Responsible Authority not later than 48 hours.

The subjects of this Law shall report to the Responsible Authority all transactions in cash and/or transfers of funds for amounts greater than 70.000.000 (seventy million) Lek or the counter value in foreign currencies.

The subjects of this Law, shall report to the "Responsible Authority" all customers' transactions exceeding the amount of 2.000.000 (two million) Lek or the counter value in foreign currencies in cases when they discern:

a) Abnormalities in customer transactions defined in the Article 2 item 1, especially in deposits, transfers and/or currency exchanges, as well as the issuance of negotiable instruments (check, bill and promissory note);

b) Unjustified, complex and unusual circumstances in the transactions;

c) Transactions that do not appear to have a legal or economic justification;

d) Information that the funds are derived from criminal activity;

e) Suspicions of money laundering that arise after the transaction has been performed and any other case not provided above, when elements of committing the penal offence of money laundering exist.

- The Subjects of this Law should notify the Responsible Authority when they come into possession of information that either confirms or negates the suspicion.

- Only the Administrators, officials or authorized personnel of the subjects, give information to the Responsible Authority.

- For the purpose of this Law and other by-laws, the Responsible Authority will determine the form and procedure of investigating and reporting the information.

Pursuant to Article 8,

For the purpose of supporting and implementing this Law and other by-laws acts, the Responsible Authority shall impose a penalty; freeze in order to prevent any dealing, transfer or disposal of property derived from criminal activity.

Pursuant to Article 14,

- When the performance of the operations or non-operations by the subjects that do not comply with the Article 5 and Article 6 item 1 of this Law do not constitute penal offence, they are administrative infringement and fines are imposed on the subjects from 1.000.000 (one million) Lek up to 20.000.000 (twenty million) Lek.

- When the performance of the operations or non-operations by high level directors of the authorized subjects according to the Article 7 item 1 of this law do not constitute penal offence, they are administrative infringement and fines are imposed on the subjects from 50 000 (fifty thousand) lek up to 100 000 (one hundred thousand) Lek.

- The performance of the operations or non-operations by all persons employed in the subjects defined in this Law who deliberately:

a) Co-operate in concealing or disguising the nature of the transaction, its origin, or in changing the source of the money obtained directly or indirectly by criminal activity;

b) Try to accept a false identity;

c) Destroy or change the ledgers and do not report the international transfer of funds or securities which do not constitute a penal offence, are administrative infringement and a fine of 100.000 (one hundred thousand) Lek up to 300.000 (three hundred thousand) Lek is imposed on them.

In each case the "Responsible Authority" imposes the fine.

The procedure of complaining and executing the decisions concerning administrative infringement is done in accordance with the Law No. 7697, dated 7.04.1993 "On Administrative Infringement".

Subparagraph 1 (b)

- **Please describe the relevant provisions aimed at preventing terrorist funding activities as referred to in the report.**

- **Does Albania propose to include the offences referred to in the convention for the suppression of Financing Terrorism in its Penal Code**

The provisions aiming at preventing terrorist funding activities are:

The provisions of Penal Code of the Republic of Albania:

Article 30/2 "*Supplementary punishments*"

Besides the principal punishment, a person who has committed offences or criminal contravention may also be sentenced to one or some of the following supplement punishments:

.....

2. Confiscation of the means relevant to the commitment of the criminal act and of the profits deriving from it;

Article 36 "*Confiscation of the means for committing the criminal act*"

Confiscation is necessarily decided by the court on persons committing criminal acts, and consists in the seizure and transfer in favor of the state of the means which have served or were chosen as a means to commit a criminal act, as well as the objects, money, and any other property resulting from the criminal act or the reward given or promised for its commitment.

Article 287 "*Alienation of property*"

Alienation, transferring, hiding, disappearing of nature, source, belonging of property originated from criminal activity, is sentenced from three to ten years of imprisonment.

Article 287/a

Financial transactions or other economic actions, which are intended for money laundering or deriving from criminal activities as well as their re- circulation and use for whatever entrepreneurship or economic activities, is sentenced from five to ten years imprisonment.

When this criminal act is committed in collaboration or more than one time, is sentenced from seven to fifteen years of imprisonment, and, when it has caused serious consensus, it is sentenced not less than fifteen years imprisonment.

– Law No. 7905, on 21.03.1995, "Code of Criminal Procedure of the Republic of Albania"

Article 274. "*The scope of the preventive attachment*"

1. When there is a danger that free possession of an object related to the criminal offence may aggravate or prolong its consequences or facilitate the commission of other criminal offences the competent court, on demand of the prosecutor, orders its attachment by reasoned decision.

2. The attachment may be also ordered for objects, which are may be confiscated.

3. When the circumstances of execution change, the court, on demand of the prosecutor or interested person, nullifies the attachment.

Law No. 8365, on 02.07.1998 "On banks in the Republic of Albania"

Article 44/2

2. In case of violation of a provision of this Law or of any regulation or order of the Bank of Albania, violation of any condition or restriction attached to an authorization issued to an institution by the Bank of Albania, breach of a fiduciary duty, or unsafe or unsound operation of the institution or any of its subsidiaries, the Bank of Albania may take the following actions or impose the following penalties, not necessarily in the order presented:

a) Issues written warnings for the administrators;

b) Orders the bank to submit to the Bank of Albania a satisfactory program of remedial action;

c) Orders the bank to cease and desist from such infractions and undertakes remedial action;

d) Requires that the bank ceases some or all of its operations or refrain from payment of dividends;

e) Imposes fines on the administrators not to exceed 8 months salary, and on the bank, not to exceed 20 million leks;

f) Suspends the administrators from positions in a bank for a period not to exceed 12 months;

g) Requires the bank to dismiss one or all of its administrators from positions in the bank;

h) Orders the bank to terminate the remuneration of the administrators;

i) Takes over the management of the bank for a period not to exceed 12 months and dismiss any or all administrators and officers of the bank; or

j) Revokes the license of the institution.

Article 45/3

3. The penalties described in Article 44 may be applied to any person prescribed in Article 1(3). The Bank of Albania shall also be empowered, to limit or liquidate the business of such person. The provisions of Articles 51 to 54 shall apply to such person.

– According to the Albanian Constitution the Convention for the Suppression of Financing Terrorism is directly applicable upon its ratification. However, the relevant institutions of the Republic of Albania will review the provisions of the Penal Code in order to adjust them in accordance with the provisions of the above-mentioned Convention.

Subparagraph 1 (c)

– **Please describe the current legal provisions that enable the freezing of funds and economic resources that are (suspected to be) used for the financing of terrorism. Do these provisions also cover the clauses in the UN Resolution 1267, 1333 (as amended by 1390) and 1373 pertaining the freezing of funds? In addition, please describe the relevant provisions of Law No. 8160 that enable the freezing of funds.**

Among the legal provisions, which enable the freezing of funds and economical resources that are (suspected to be) used for financing terrorist activities, are those of the Law No. 8610, on 15.05.2000 "*On money laundering*" as well as the provisions of the Law "*On banking system in the Republic of Albania*".

The SC resolutions 1267, 1333 (as amended by 1390) and 1373 are directly applicable by the Albanian relevant institutions.

Other legal provisions in this respect are:

– Criminal Procedural Code of the Republic of Albania, Section III (dealing with sequestration),

Article 207: "*Sequestration during inspection*"

The objects, which are found during the inspection, may be attached in compliance with provisions on attachment.

Article 208: "*The scope of sequestration*"

1. The judge or the prosecutor are entitled to order, by motivated writ, the attachment of real evidence and objects connected with the criminal offence, when they are indispensable to reveal the facts.

2. The attachment is carried on by the one who has issued the writ or by the officers of the judicial police being authorized by the same writ.

3. The copy of the writ of attachment is handed to the interested person, if present.

Article 209: "*Sequestration of correspondence*"

1. When the court has grounded reasons to think that in the telegraphic or mail service offices there are letters, envelopes, boxes, telegrams and other objects of correspondence sent from or to the defendant, even under other name or through another person, it orders their sequestration.

2. When an officer of the judicial police makes the sequestration, he must hand to the judicial authority the sequestrated objects of the correspondence without opening and without having got access to them by any other means.

3. The sequestrated objects that are not part of seized correspondence shall be restituted to the one they belong and may not be used.

– Law No. 8865, on 14.03.2002 for the ratification of the Convention for the Suppression of Financing Terrorism;

– Law No. 6846, on 20.07.2000 for the Ratification of the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

– Code of Criminal Procedure

Article 203: "*Delivery request*"

1. When a certain object is being searched for, the proceeding authority may ask its handing. In case the object is handed, then the inspection is not completed, except when it is considered necessary.

2. In order to specify the objects, which may be sequestrated, or to reveal specific circumstances, necessary for the investigation, the proceeding authority or its authorized officers of judicial police may inspect the bank operations, documents and correspondence.

Subparagraph 1 (d)

- **Please provide an outline of the relevant provisions of the Law "On Banks in the Republic of Albania" that prohibit transactions related to criminal activity,**
- **Are there regulations governing the collection and use of funds by charitable organizations?**

According to the Law "On Banks in the Republic of Albania", Articles 55, 56, banks are obliged to ban transactions in money or other properties deriving from criminal activities or which are intended to cover the illegal origin of the property.

According to the article 24 of this law:

1. No bank shall conceal, convert, or transfer currency or other property, knowing that such property is derived from criminal activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in such activity to evade the legal consequences of his action.

2. The Bank shall not disclose the fact that such information is passed to the authorities responsible for fighting against money laundering, or is required by them, or that investigation procedures have started, or that orders for non execution of the operation are given, except when such an information is requested by the competent jurisdiction.

3. The knowledge described in paragraph 1 may be inferred from objective factual circumstances.

4. Notwithstanding Article 23, banks having rational suspicions shall, on their own initiative, inform the authorities responsible for combating money laundering of the evidence that property is derived from criminal activity and

provide, at the authorities' request, any additional related information, in accordance with the procedures established by applicable legislation.

5. A bank shall be responsible only for full and adequate client identification. A bank should have a good knowledge of its clients and their volume of operations. When a bank provides information that is referred to in paragraph 1 in good faith, the bank shall be exempted from liability of any kind for complying with this Article and/or for breach of any restriction on disclosure of information, regardless of the result of the communication.

6. For the purposes of this Article, "bank" includes employees, administrators and owners of a bank, and authorized deposit-taking institutions according to Article 4.

– Law No. 8788, on 07.05.2001 "*On non-profiting organizations*" governs the collection and use of funds by charitable organizations.

Subparagraph 2 (a)

- **Could Albania please describe the legal provisions relating to the sale, possession, manufacturing, transport and storage of weapons within and from the territory of Albania?**

- **Are there any regulations relating to international trade in weapons?**

The legal provisions related to selling, possessing, producing, transporting and storing of weapons are provided by the Criminal Code of the Republic of Albania.

The article 234 of this law provides that: "Producing, storing, transporting of military, chemical, biological, nuclear weapons which have poisonous or explosive base, with the intent of committing acts of terrorism, is sentenced from five to fifteen years of imprisonment".

(a) Article 278 — Penal Code

Manufacturing military weapons and ammunition, bombs and mines, without the permission of competent state bodies, is sentenced from five to ten years of imprisonment.

Holding, buying or selling weapons, bombs or mines without the authorization of state competent bodies, is sentenced to a fine or up to seven years of imprisonment.

Holding bullets of light military weapons without the authorization of state competent bodies constitutes criminal contravention and is sentenced to a fine or up to one year of imprisonment.

When the same act is committed for big quantities, in co-operation, more than once, or resulted with grave consequences, it is punishable with imprisonment by five to fifteen years.

Penal Code, Article 278/a, provides another provision related to the prevention of weapon transporting and international commerce of weapons.

This provision provides that:

- importing, exporting, transport and trading with military weapons and military ammunition in contravention with the law, aiming material, or other benefits is punishable by seven to fifteen years of imprisonment.

- The same act, when committed in co-operation, more than once, or led to grave consequences, is punishable by ten to twenty years of imprisonment.

Law no. 7566, (25.05.1992) "On weapons", ascertains what is considered a weapon, who is entitled to be in possession of it etc.

Law no. 8388, (05.081998), "On collection of weapons and ammunition from civil population", provides the legal ground on weapon collection from the hands of civil population.

In regard to the legal provisions on international trading of weapons, on selling, possessing, manufacturing, transporting etc, the Albanian Government refers with respect to all the UN General Assembly Resolutions, related to weapon embargoes and restrictions.

Subparagraph 2 (b)

□ **What mechanism is in place in Albania to provide an early warning to other states in regard to terrorist activities?**

Fully evaluating the insecurity and actual situation after the terrorist attacks of September 11 in the US, and considering itself part of the international action on counter-terrorism, the Albanian Government has engaged in this action its specialized structures such as the Sector on Combating Terrorism, which is part of the State Police. In order to have under control the situation in combating terrorism; the structure entitled to carry out this function is constituted as a hierarchy from center to base, in an interconnection manner. The frontier police and public order police while performing their functional duties, back this specialized sector with the necessary information,

In addition to the ratified or accessed Conventions, mentioned in the previous submitted Report (27.12.2002), The Republic of Albania has become party in the following conventions:

- Convention on the Physical Protection of Nuclear Material, adopted in Vienna on March 3, 1980, accessed with law no. 8853 (31.01.2001);
- Rome 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, accessed with law no. 8850, dated 27.12.2001, and the 1988 Protocol For the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf;
- 1998 Convention for the Suppression of Terrorist Bombings, accessed with law no. 8836, (22.11.2001).

Subparagraph 2 (d)

□ **Please describe articles 297 and 299 of the Penal Code that aim at preventing terrorist from using Albanian territory?**

Articles 297 and 299 provide the provisions of the Penal Code, which aim to prevent the use by terrorists of the territory of the Republic of Albania.

Article 297 titled: "Illegally crossing state border", provides that:

"Illegally crossing the state borders constitutes criminal contravention and is sentenced to a fine, or up to two years of imprisonment and when organized for lucrative purposes, it is punishable by imprisonment up to 10 years".

Meanwhile, the article 299 titled "Breach of Flight Rules", provides that:

"Breach of international flight rules such as entering or leaving the territory of the Republic of Albania without a flight permit, ignoring flight lanes, landing places, flight corridors, or designated cruising altitude, is punishable by a fine or up to five years of imprisonment".

Subparagraph 2 (e)

- **Please provide an outline of the current relevant provisions of the Penal Code criminalising terrorist groups and terrorist activities.**
- **Please provide a progress report on the draft law On Prevention and Combatting Terrorism and a copy of the relevant provisions as soon as it is brought in force.**
- **Are all the relevant provisions of the Penal Code of Albania applicable in all the following circumstances:**
  - **acts committed outside Albania by a person who is a citizen of, or habitually resident in, Albania (whether that person is currently present in Albania or not);**
  - **acts committed outside Albania by a foreign national who is currently in Albania?**

The provisions of the Penal Code that intend penalizing terrorist groups or activities are provided by articles 28, 230 and 233 of the same Code (Penal Code).

The Article 28, provides punishment for creation and participation in an armed gang or in criminal organization that represent particular form of collusion which differ, not only with respect to the number of participants, but also on their level of organization and persistence to commit a number of criminal acts.

Article 230 of the Penal Code titled, "Terrorist acts", provides that:

"Committing violent acts against the life, health of people, personal freedom through kidnapping of people, or hijacking public transportation, with the intent to seriously disturb public order and instilling fear and uncertainty in the public is sentenced to no less than fifteen years of imprisonment or to life imprisonment".

Article 233 of the Penal Code titled "Creation of armed gangs" provides that:

"Creating armed gangs to oppose on the public order through violent acts against life, health, personal freedom of the individual, property, with the intent of instilling fear and uncertainty to the public, is sentenced up to ten years of imprisonment".

According to article 6/2 of the Penal Code, Criminal law of the Republic of Albania shall also be applicable to the Albanian citizen who commits an offence within the territory of another country, when that offence is concurrently punishable, unless a foreign court has given a final sentence. In the sense of this article, Albanian citizens shall also be considered those persons who hold another nationality besides the Albanian one.

According the article 7/2 of the Penal Code, The penal legislation of the Republic of Albania is also applicable to a foreign citizen who, outside of the Republic of Albania, commits against the interests of the Albanian State or an Albanian citizen one of the following offences:

a) crimes against humanity;

b) crimes against the Albanian independence and its constitutional order;

c) terrorism;

d) organization of prostitution, illegal manufacturing and trafficking of drugs, other narcotic substances, of weapons, nuclear substances, as well as pornographic materials;

e) hijacking airplanes or ships;

f) falsifying the Albanian state seal, Albanian currency, or Albanian bonds or stocks;

g) crimes which affect the life or health of Albanian citizens, to which the law provides for a punishment by imprisonment of five years or any other heavier punishment.

Article 111 of the Penal Code

Hijacking planes, ships and other means of transportation that carry people is sentenced from ten to twenty years of imprisonment.

Subparagraph 2 (f)

□ **Are there any legislative or other measures available to provide assistance to other states in criminal investigations and criminal proceedings?**

Among the legal measures which consist in providing legal aid and assistance to other states related to the criminal investigation and proceeding, within the framework of multilateral co-operation, The Republic of Albania has ratified:

1. "The European Convention of the Council of Europe, on the Transfer of Proceedings in Criminal Matters", with law no. 8497, dated 10.06.1999.

2. The Convention of the Council of Europe "On Mutual Assistance in Criminal Matters", with law no. 8498 dated 10.06.1999.

Certain legal provisions, which guarantee full assistance to other countries, are provided for implementation in case of criminal investigation and proceedings, on the ground of criminal charges on individuals staying or residing in Albania.

- Article 488 of the Penal Code on extradition,
- Article 493 of the Criminal Procedure Code, on measures of restriction and sequestration,
- Article 494 — temporary execution of restrained measures, article 495 — detention by court police.
- Article 505 of the Criminal Procedure Code, related to the correspondence with other countries etc.

Subparagraph 2 (g)

□ **What is the mechanism for Inter-agency co-operation amongst the authorities responsible for narcotics control, financial tracking and security in particular with regard to border control?**

Law no. 8610, dated 17.05.2000 "On Prevention of Money Laundering";

Article 10 — "Reporting the transactions at the customs".

1. Resident and non-resident individuals, upon entry or exit from the Republic of Albania, are bound to declare at the Customs amounts in cash or travel checks, equal to or greater than 10,000 (ten thousand) USD or the counter value in foreign currency.

2. Individuals, foreigners that temporarily visit Albania can take out of the Republic of Albania, foreign currency in cash or travel checks, up to the amount declared upon entry by providing the proper declaration at the Customs.

3. The Customs shall instantly report to the Responsible Authority at the same form and manner as foreseen for the other subjects prescribed in this Law, in cases when:

   a. Customs find evidence of money laundering,

   b. Violation of this law is observed.

Subparagraph 3 (a), 3 (b)

□ **Please explain how Albania meets the requirements of these Subparagraphs.**

In the domain of international co-operation, providing aid and information in the framework of international law and internal legislation, the Republic of Albania has ratified some international instruments such as:

1. European Convention on Mutual Assistance in Criminal Matters and its two Additional Protocols.

2. European Convention on Information on Foreign Law.

3. European Agreement on the Transmission of Applications for Legal Aid, and its Additional Protocol.

4. The agreement between Republic of Albania and Republic of Greece "On Legal Aid in Civil and Criminal Cases".

5. The agreement between Republic of Albania and Republic of Turkey "On mutual legal aid in civil, trade, and criminal domain".

6. The agreement between the Albanian and Macedonian Government for reciprocal execution of court decisions taken upon criminal cases.

7. The loan agreement for development "The project of legal and juridical reform", between Republic of Albania and the International Development Association (IDA).

Subparagraph 3 (e)

□ **Please provide a progress report on the ratification or accession to the International Conventions on the Prevention and Suppression of Terrorism to which Albania is not yet a party. As there is no reference in the report to the Convention on the Marking of Plastic Explosives for the Purpose of Detection, what are the intentions of Albania to become a party to this Convention?**

□ **Please explain how the relevant conventions that Albania already has ratified, are incorporated into its domestic laws. Will this be governed by the draft law on Prevention and Combating Terrorism?**

□ **Are all the crimes referred to in the relevant conventions included as extraditable offences in bilateral treaties concluded with other countries?**

Albania has speeded up its efforts for becoming part of all International Agreements and Conventions in the domain of counter-terrorism.

In addition to Conventions mentioned in the presented report, and in the paragraph 2 (b) of this report, The Republic of Albania has become party of the following Conventions:

1. "International Convention on the Suppression of the Financing of Terrorism", which entered in force in the Republic of Albania on May 10, 2002;

2. International Convention "Against the Organized International Crime", (Palermo 2000) and its two additional protocols "On preventing, impediment and punishment of the human trafficking, especially women and children".

3. European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, entered in force for the Republic of Albania on February 1, 2002.

4. In the regional framework, Albania has ratified the Agreement "On Combating the International Organized Crime, signed in Bucharest on the 26th of May 1999.

5. As for the 1991 Convention on Marking of Plastic Explosives for the Purpose of Detection, this Convention is in process of ratification.

In the framework of activities undertaken on countering terrorism, the Albanian authorities are also implementing the provisions of Law no. 8492 dated 27.05.2000 "On Foreigners", the Decision of the Council of Ministers no. 437, (04.08.2000) "On the regime of entry and residence of foreign citizens in the Republic of Albania", as well as the joint Deliberation no 2430 (14.05.2001) of the Minister of Foreign Affairs, and the Minister of Public Order, "On the procedures of entry, residence, and treatment of foreign citizens in the territory of the Republic of Albania".

b. Pursuant to Article 5 of the Constitution, The Republic of Albania applies international law that is binding upon it.

- Article 122 of the Constitution

1. Any international agreement that has been ratified constitutes part of the internal juridical system after it is published in the Official Journal of the Republic of Albania. It is implemented directly, except for cases when it is not self-executing and its implementation requires issuance of a law. The amendment, supplementing and repeal of laws approved by the majority of all members of the Assembly, for the effect of ratifying an international agreement, is done with the same majority.

2. An international agreement that has been ratified by law has superiority over laws of the country that are not compatible with it.

3. The norms issued by an international organization have superiority, in case of conflict, over the laws of the country if the agreement ratified by the Republic of Albania for its participation in the organization expressly contemplates their direct applicability.

Moreover, pursuant to article 123 of the Constitution, The Republic of Albania, on the basis of international agreements, delegates to international organizations state powers for specific issues.

3. Albania is a signatory of bilateral treaties for reciprocal extradition with the Republic of Greece, Government of FYR Macedonia, and recently with the Egyptian Government.

In these treaties is provided that criminal offences of political, military and fiscal nature are not extraditable. These criminal offences are not included in the treaties because of binding provisions of the European Convention "On the Suppression of Terrorism" which was ratified by Albanian Parliament with law no. 8642 on July13, 2000. This Convention provides that the above-mentioned offences are not to be considered political offences, linked to a political offence, or deprival from political goals.

Subparagraph 3 (f)

- **Please describe the relevant provisions of the Law "On the Foreigners" and the Law "On asylum in the republic of Albania" that contribute to compliance with this Subparagraph and provide a progress report on both the amended laws.**

The Albanian Authorities are about to review the Law no. 8492 (27.05.1999) "On the Foreigners", and Law no. 842 (14.12.1998) "On asylum in the Republic of Albania".

Subparagraph 3 (g)

- **Please explain if extradition is arranged by an act or is a subject to bilateral treaties?**

- **Are claims for political motivation grounds for refusing extradition of an alleged terrorist?**

a. Provisions on extradition are provided by Title X, Chapter I, of Sections I and II of the Criminal Procedure Code.

The Republic of Albania has ratified the European Convention "On Extradition", and its two additional Protocols. Pursuant to article 122 of the Constitution, the provisions of this Convention constitute part of the internal juridical system and have superiority over laws of the country that are not compatible with it.

The Albanian Police accessed Interpol in 1991.

b. During the negotiations on extradition cases, no rejections were verified, even concerning individuals with terrorist tendencies.

Article 11 of the Penal Code provides that "Extradition may be granted only when explicitly provided by international treaties where the Republic of Albania is party".

– Article 491 of Criminal Procedure Code provides the conditions under which the request for extradition will be rejected.

1. Extradition shall not be granted:

a) if the act constituting the object of the request for extradition is of political character or when it results that it is requested for political reasons,

b) if there are grounds to believe that the person subject to extradition shall be persecuted or discriminated because of his race, religion, sex, citizenship, language, political belief, personal or social state or cruel, inhuman or degrading punishment or treatment or acts which constitute violation of fundamental human rights,

c) if the person subject to the request for extradition has committed a criminal offence in Albania,

d) if he is being tried or has been tried in Albania regardless the criminal offence has been committed abroad,

e) if the criminal offence is not provided as such by the Albanian legislation,

f) if the Albanian state has granted an amnesty for this offence,

g) if the requested person is Albanian citizen and there is no agreement otherwise providing,

h) if the law of the requesting state does not provide the prosecution or the punishment for the same.

• **Other matters**

Could Albania please provide an organisational chart of its administrative machinery, such as police, immigration control customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution

For the Implementation of Law No. 8610, dated 17.05.2000 "On Prevention of Money Laundering", at the Ministry of Finance is established the "Department Coordinating the Combat Against Money Laundering".

The Department of Coordinating the Combat Against Money Laundering has the following duties:

– prevention of money laundering through maintaining, assessing, make evident and preserve the information and data submitted; impose a penalty, freeze in order to prevent any dealing, transfer or disposal of property derived from criminal activity;

– operational co-operation with other structures involved in the implementation of the law within Ministry of Finance, Ministry of Public Order, Prosecution Office, State Informative Service.

– co-operation with homologue bodies as well as with international authorities;

– applying investigative techniques facilitating the identification and tracing of proceeds deriving from criminal offences;

– reporting to the Prosecutor's Office on evidences and proofs regarding the penal offence of money laundering;

– investigation and identification of crime income generation and products;

– impose penalties in case of contraventions which consist in breach of the Law No. 8610, dated 17.05.2000;

– drafting of cooperation programs as well as mutual assistances intending prevention of money laundering in different countries, grounded by the international ratified conventions.

After the terrorist attacks of September 11, 2001, the Albanian Government approved some measures intending to strengthen the border control regarding prevention of international terrorists to enter Albania. Special measures to this goal were taken at the principal harbors, as well as in Tirana International Airport.

Albanian Government by the Decision No. 669 dated 7 December 2001 made the following amendments to the Decision No. 439, dated 4.08.2000 "On the regime of entry and residence of foreign citizens in the Republic of Albania".

Foreign citizens from Singapore, Saudi Arabia, Bahrain, Oman, Qatar, Kuwait, Egypt, United Arab Emirates should apply for visa in the Albanian embassies in order to enter freely the Albanian territory. The Ministry of Public Order and the Ministry of Foreign Affairs are in charge of the implementation of this Decision.

In October 2001, the Albanian Government, in co-operation with Italian, German and Greek Governments, established in Vlora the Anti-Trafficking Center, which aims to prevent regional traffics including weapon and human traffics.